

# **STATE OF NEW HAMPSHIRE**

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

DEPARTMENT OF RESOURCES  
& ECONOMIC DEVELOPMENT

## **HEMLOCK WOOLLY ADELGID EXTERIOR QUARANTINE**

### **JOINT QUARANTINE NO. 1**

**Amendment No.3**  
**January, 2005**

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**Section 1: Definitions**

1. "Bark" means the tough outer tissue of woody stems and roots of trees, shrubs and vines outside the vascular cambium.
2. "Certificate of Origin" means a document authorized or prepared by a duly authorized federal or state regulatory official that affirms, declares, or verifies that an article, nursery stock, plant, product, shipment or any other officially regulated article originated from the location as stated.
3. "Chips" means the end product of a milling process that reduces wood (logs, stems, branches) to a wafer or chip-like form where bark is still evident.
4. "Compliance Agreement" means an agreement between the state of New Hampshire Department of Resources & Economic Development (NHDRED), the New Hampshire Department of Agriculture, Markets and Food (NHDAMF), and complying companies for movement of hemlock logs, lumber, pulpwood, composted bark and wood chips and other hemlock parts from states with known infestations of hemlock woolly adelgid to pre-approved sites in the state of New Hampshire.
5. "Composted" means the transformation of organic material through biological processes involving insects, earthworms and/or microorganisms to render all living and viable plant parts, which may also include unwanted plant pests, to be inert or non-viable.
6. "Hemlock" means eastern Canadian hemlock, *Tsuga canadensis*, and Carolina hemlock, *Tsuga caroliniana*.
7. "Hemlock woolly adelgid" means *Adelges tsugae* Annand, a member of the insect order Homoptera, family Adelgidea in all of its life stages.
8. "Log" means a section of the trunk or of a large branch of a felled tree, cut into lengths for lumber, firewood, chipping, etc.
9. "Lumber" means a log(s) sawed into dimensionally sized beams, planks, and boards for building, construction, and other purposes.
10. "Nursery stock" means all hardy deciduous and evergreen trees and shrubs, brambles, woody vines, woody florist stock and herbaceous annuals and perennials, their roots, cuttings, grafts, scions, buds, fruit pits, plant parts thereof including any collected plants, for and capable of propagation. This definition does not include seeds.
11. "Nursery" means any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed direct to a customer.

12. "Person"- means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof."
13. "Pulpwood" means processed wood (such as aspen, hemlock, pine, and spruce) used in making pulp for paper.
14. "Quarantine" means a legal instrument duly imposed or enacted by a government agency as a means for mitigating pest risk.
15. "Recipient" means any person who receives regulated articles from the following, but not limited to nurseries, landscapers, persons, mail order distributors.
16. "Seedling" means an immature plant grown from seed; a nursery plant not yet transplanted.
17. "Sell" means to offer for sale, expose for sale, possess for sale, exchange, barter or trade. This includes, but is not limited to nurseries, wood-using industries, persons or landscapers.
18. "State Phytosanitary Certificate" means a document authorized or prepared by a duly authorized federal or state regulatory official that affirms, declares, or verifies that an article, nursery stock, plant, product, shipment or any other officially regulated article meets phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or any other set of legal issuance.
19. "Wood-using Industry" means sawmills or facilities that process logs to be cut into lumber; ground into pulp; sell bark mulch and/or wood chips with bark (such as, but not limited to nurseries, garden centers, landscapers).

## **Section II: Statement of Concern**

Whereas the hemlock woolly adelgid, *Adelges tsugae* Annand, has been found to cause widespread mortality of eastern Canadian hemlock, *Tsuga canadensis* (L) Carr, and Carolina hemlock, *Tsuga caroliniana*.

Whereas this pest has been found to be difficult to detect and control in natural hemlock stands.

Whereas hemlock is a very valuable component of northern New England's forests for timber and wildlife habitat as well as being highly valued for landscape use.

Therefore, the State of New Hampshire is hereby establishing this exterior plant quarantine against the hemlock woolly adelgid for the protection of natural and landscape hemlock populations.

### **Section III: Statutory Authority**

The Statutory Authority for this quarantine order is RSA 433:34 and RSA 227-G:3 I(f).

### **Section IV: Specific Purpose and Factual Basis**

The specific purpose of these regulations is to protect New Hampshire's hemlock resources by preventing the introduction of hemlock woolly adelgid into New Hampshire and spread thereof within the state.

The Department of Agriculture, Markets & Food (hereto referred to as NHDAMF) and the Department of Resources and Economic Development (hereto referred to as NHDRED) have determined that this exterior quarantine is necessary based on the following:

The hemlock woolly adelgid is an introduced species originating from Asia and a serious pest of eastern and Carolina hemlocks. This pest feeds primarily on the young hemlock branches causing loss of sap. This feeding retards or prevents tree growth, causes needles to discolor and drop prematurely, kills branches, generally weakens, disfigures and can ultimately cause the death of infected trees.

### **Section V: Hemlock Woolly Adelgid Quarantine**

1. This quarantine is hereby established against the hemlock woolly adelgid, *Adelges tsugae* Annand and all of its life stages or signs.
2. Quarantined areas - All counties known to be infested. Infested counties include but are not limited to those found in the USDA Forest Service's publication entitled "List of States and Counties with Known Hemlock Woolly Adelgid Infestations" updated 12/31/2003. This list includes counties in CT, DE, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, TN, VA and WV. In addition, western states with counties under quarantine are AK, CA, OR and WA.
3. Articles and Commodities of Hemlock Covered – All seedlings, nursery stock, and any hemlock wood products with bark such as, but not limited to logs lumber, chips, and uncomposted shipments of bark.
4. Restrictions - All regulated articles and commodities having originated or previously been held in a quarantined area are prohibited entry into New Hampshire except as specifically allowed and conditioned below.

### **Section VI: NHDAMF Hemlock Woolly Adelgid Seedling & Nursery Stock Regulations**

1. Hemlock seedlings and nursery stock from non-quarantined areas shipped into New Hampshire must be accompanied by a State Phytosanitary Certificate, or a Certificate of Origin.

- A. The State Phytosanitary Certificate or a Certificate of Origin must identify the following:
    - a. Quantity;
    - b. Size(s);
    - c. Scientific name(s); and
    - d. Common name(s).
  - B. The State Phytosanitary Certificate or a Certificate of Origin must also attest to the fact that the regulated articles comply with the following:
    - a. Originated from a non-quarantined area that has been surveyed annually for and found to be free of all life stages of hemlock woolly adelgid;
    - b. Have not been held or unloaded in a quarantined area; and
    - c. Have not been exposed to regulated articles from quarantined areas.
    - d. Have not been chemically treated for the control of Hemlock woolly adelgid.
  - C. A copy of the State Phytosanitary Certificate or Certificate of Origin must be signed and dated by a plant regulatory official in the state of origin. A copy must be sent, by the recipient, to the NHDAMF prior to any hemlock shipment(s) arriving in New Hampshire. They can be faxed, at (603) 271-3692 or such fax number as the Division may publish or emailed.
2. Hemlock seedlings and nursery stock which have been transported through a quarantined area are prohibited entry into New Hampshire except in accordance with the following conditions:
  - A. The hemlocks being transported must be enclosed by a secure covering such that it shall prevent their exposure to hemlock woolly adelgid or they must be transported in an enclosed trailer or box unit;
  - B. The hemlocks were not off-loaded in any quarantined areas; and
  - C. No additional non-certified hemlocks were added to the shipment in a quarantined area.
3. The NHDAMF shall be notified by the recipient upon the arrival of all shipments of hemlocks to arrange for a hemlock inspection for the presence of hemlock woolly adelgid

by a New Hampshire state regulatory official.

4. All nurseries who receive certified hemlocks shall isolate them from other hemlocks on their premises and shall not sell them until they have been inspected and found free of hemlock woolly adelgid by the New Hampshire state regulatory official.
5. Hemlocks awaiting an inspection shall be readily accessible to New Hampshire state regulatory officials and spaced so that they can be easily and thoroughly examined. The owner shall provide assistance if conditions for inspection are not acceptable.
6. If upon inspection the New Hampshire state regulatory official discovers any live hemlock woolly adelgid then the entire shipment or any single plant may be ordered for destruction, as deemed necessary.
7. The owner of any hemlocks ordered for destruction shall comply with the following:
  - A. All hemlocks to be destroyed shall be isolated from all other hemlocks and securely covered to prevent the spread of hemlock woolly adelgid.
  - B. All hemlocks to be destroyed shall have their root system/root balls severed at the crown.
  - C. Any hemlocks that have been ordered for destruction must be burned as soon as permissible by local and state authorities.
  - D. All hemlock shall be burned to the degree at which all stages of hemlock woolly adelgid have been eliminated.
  - E. The owner shall contact the NHDAMF two days prior to the burn to arrange for a state inspector to be present during the time of the burn or otherwise arranged with the NHDAMF.
  - F. Destruction of condemned stock shall be at the expense of the owner (RSA 433:30).
  - G. The owner shall be responsible for obtaining all necessary municipal and state burn permits.
  - H. The owner shall provide for a safe environment in which the burn can occur.
8. Nurseries and landscapers selling hemlocks shall maintain a Record of Sale for all hemlocks sold, which shall include the following:
  - A. Name, address and phone number of buyer or recipient;
  - B. Date of sale;

C. Quantity of hemlocks sold; and

D. Size(s) of hemlocks sold.

## **Section VII: NHDRED Hemlock Woolly Adelgid Wood Product Regulations**

1. Hemlock logs, lumber and chips with bark; and uncomposted shipments of bark from quarantined areas may be imported into New Hampshire provided that said material is only shipped to pre-approved sites in accordance with the hemlock Woolly Adelgid Compliance Agreement (Appendix A).
2. Any hemlock wood products being shipped to other sites not approved under this agreement requires a State Phytosanitary Certificate or Certificate of Origin, which must be signed and dated by a state regulatory official in the state of origin. A copy must be sent, by the recipient, to the NHDRED prior to any hemlock shipment(s) arriving in New Hampshire. They can be faxed, at (603) 271-7577 or such fax number as the Division may publish, or emailed.

## **Section VIII: Violations**

1. Any written agreement to ship hemlock logs or lumber with bark, chips and uncomposted bark from quarantined and non-quarantined areas to pre-approved sites in New Hampshire may be canceled by the NHDRED if the person(s) who entered into the agreement fail(s) to comply with the provisions of this rule. If the person(s) has (have) been given notice of cancellation orally, written confirmation of the decision and reasons for it will be provided within 10 working days. The NHDRED may reinstate the written agreement if it finds that the problem(s) leading to the cancellation has (have) been rectified.
2. Any person shall be guilty of a misdemeanor if that person violates any provision of this quarantine (RSA 433:32).
3. Any regulated articles not in compliance with the quarantine are subject to confiscation and destruction.
4. Nurseries in violation of this quarantine are subject to suspension of their license (RSA 433:35). Reinstatement of a license shall be at the discretion of the NHDAMF.
5. Nurseries and landscapers who sell hemlocks prior to the NH Department of Agriculture conducting a hemlock woolly adelgid inspection and issuing a written certificate of inspection shall:
  - A. Provide the NH Department of Agriculture with all Records of Sale for all hemlock sold.

- B. Contact each buyer and inform them that the NHDAMF will need access to each plant to conduct an inspection. Upon finding any hemlock woolly adelgid the NHDAMF may require the nursery or landscaper to cut infested plants and remove them for destruction.
  - C. Nurseries in violation of this quarantine are subject to penalties, fines and/or may be required to reimburse the state for expenditures.
6. Any persons believed to have hemlock woolly adelgid on their premises shall notify the NHDAMF or the NHDRED. The presence of the hemlock woolly adelgid on a property is subject to the conditions of this quarantine and eradication procedures.

This quarantine against the hemlock woolly adelgid will become effective upon its adoption.

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Commissioner  
Department of Agriculture, Markets & Food

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Date

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Director  
Department of Resources and Economic Development

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Date



## APPENDIX A: COMPLIANCE AGREEMENT

**STATE OF NEW HAMPSHIRE**  
**Hemlock Woolly Adelgid Quarantine**  
**Compliance Agreement**  
**Department of Agriculture, Markets and Food**  
**and**  
**Department of Resources and Economic Development**

Agreement between the State of New Hampshire Department of Agriculture, Markets and Food (NHDAMF) and Department of Resources and Economic Development (NHDRED) and

for movement of uninfested hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from states with known infestations of hemlock woolly adelgid (HWA) to pre-approved sites in the state of New Hampshire.

1. **Objective:** To protect the hemlock resource of New Hampshire from the threat of HWA while minimizing any interruption of raw hemlock product deliveries to mills and storage sites in New Hampshire.
2. **Quarantine (RSA 433:34):** The commissioner may establish quarantines as specified in the law to prevent the dissemination of plant pests within the state.

Hemlock woolly adelgid is classified as a dangerous forest insect, and transport of uncertified hemlock host material from infested states to unapproved sites in New Hampshire is prohibited.

3. **Agreement:** NHDRED and NHDAMF agree to allow \_\_\_\_\_ and its wood suppliers to transport uninfested hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from infested states to the premises located at: \_\_\_\_\_.

**4. Special Requirements:**

- A. A **phytosanitary certificate** must accompany hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from infested states. This certificate is issued by the state where the hemlock originates.
- B. Hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from these premises will not be moved to another location without the approval of a state quarantine inspector and in compliance with prescribed regulatory action, except that free movement between the premises listed herein is allowed.
- C. Department representatives may go on premises listed herein at any time during normal working hours to check for the presence of HWA, and may be accompanied by a representative of said company for safety reasons.
- D. \_\_\_\_\_ shall undertake sanitary action against any infestation of HWA found on the above premises to the satisfaction of the Department (s).
- E. This agreement will become effective upon date signed below and will be renewed annually until conditions of the pest risk are such that continuance of the agreement is unwarranted.

**5. Signatures:**

Company name: \_\_\_\_\_

Company representative: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NHDRED/NHDAMF representative: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF NEW HAMPSHIRE**  
Hemlock Woolly Adelgid Quarantine  
(In State)  
**Compliance Agreement**  
Department of Agriculture, Markets and Food  
and  
Department of Resources and Economic Development

*This compliance is required for sawmills or other wood buyers in New Hampshire, to obtain hemlock logs with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from Rockingham County, New Hampshire.*

Agreement between the State of New Hampshire Department of Agriculture, Markets and Food (NHDAMF) and Department of Resources and Economic Development (NHDRED) and \_\_\_\_\_ for movement of hemlock logs with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from Rockingham County to pre-approved sites in the state of New Hampshire.

1. **Objective:** To protect the hemlock resource of New Hampshire from the threat of hemlock woolly adelgid (HWA) while minimizing any interruption of raw hemlock product deliveries to mills and storage sites in New Hampshire.
2. **Quarantine (RSA 433:34):** The commissioner (Ag.) may establish quarantines as specified in the law to prevent the dissemination of plant pests within the state.

Hemlock woolly adelgid is classified as a dangerous forest insect, and transport of un-inspected hemlock host material from Rockingham County to unapproved sites in New Hampshire is prohibited. The Department of Resources and Economic Development in cooperation with the Department of Agriculture, Markets and Food, requires that all hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark originating from Rockingham County be inspected before they are allowed to be transported out of Rockingham County into other counties in New Hampshire.

3. **Agreement:** DRED and NHDAMF agree to allow and its wood suppliers to move hemlock logs or pulpwood with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from **uninfested areas** within the quarantined county to the premises located at: \_\_\_\_\_.

**All shipments, either by load or lot, must be accompanied by a State of New Hampshire “Hemlock Woolly Adelgid Clean Certification”. These certificates shall remain on file at the receiving site.**

This agreement is to become effective \_\_\_\_\_ and will be renewed annually until conditions of the pest risk are such that continuance of the agreement is unwarranted.

**4. Special Requirements:**

- A. Hemlock logs with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark from these premises will not be moved to another location without the approval of a state quarantine inspector and in compliance with prescribed regulatory action, except that free movement between the premises listed herein is allowed.
- B. Department representatives may go on premises listed herein at any time during normal working hours to check for the presence of HWA, and may be accompanied by a representative of said company for safety reasons.
- C. \_\_\_\_\_ shall undertake sanitary action against any infestation of HWA found on the above premises to the satisfaction of the Department(s).
- D. Below signed company agrees to adhere to recommendations as listed on the Compliance Agreement Field Report.

Company name: \_\_\_\_\_

Company representative: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

DRED/NHDAMF Representative: \_\_\_\_\_

Date: \_\_\_\_\_